

REMARKS

This Amendment is submitted prior to continued examination of the present case and in response to the Final Action dated October 31, 2003. Claims 1-18 were pending in the application. In the Final Action, claims 1-18 were rejected. In this Amendment, claims 1, 7, 13 and 15-18 have been amended, and new claims 20-31 have been added. Claims 1-18 and 20-31 thus remain for consideration.

Applicants submit that claims 1-18 and 20-31 are in condition for allowance and request reconsideration and withdrawal of the rejections in light of the following remarks.

§102 and §103 Rejections

Claims 1-14 and 18 were rejected under 35 U.S.C. §102(b) as being anticipated by Wellard et al. (USPN 5,862,477).

Claims 13-17 were rejected under 35 U.S.C. §102(b) as being anticipated by Feng (USPN 5,374,936).

Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wellard in view of Pelech et al. (USPN 6,243,585).

Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wellard in view of Jennings, III (USPN 6,173,191).

Applicants submit that claim 1 is patentable over Wellard.

Applicants' invention as recited in claim 1, is directed toward a method of creating a topology map indicating the quality of connectivity of each network device of a wireless network with all other network devices. The claim specifies a measurement phase in which connectivity quality is measured and a reporting phase in which the

measurement results are wirelessly transmitted from each network device to the network device creating the topology map.

Wellard fails to teach or suggest the claimed wireless transmission of measurement results from each network device to the network device creating a topology map. Indeed, as can be seen from Wellard's Fig.1 and column 5, lines 50-52, Wellard teaches away from Applicants' invention by teaching wired communication of RSSI data from the CFP devices 10a-10f to the CCU 14.

Applicants submit that claim 13 is patentable over Wellard and/or Feng.

Applicants' invention as recited in claim 13, is directed toward a device for a wireless network that includes means to measure a power level of a received calibration signal, to internally store results of the measurement and to wirelessly transmit the measurement results to another network device.

As noted above, Wellard fails to teach or suggest such a wireless transmission of measurement results between network devices. Moreover, Wellard does not teach or suggest storing the results of a power level measurement of a received calibration signal internally in a network device that carried out the measurement.

Feng likewise, fails to teach or suggest internally storing the results of a power level measurement of a received calibration signal at a network device that carried out the measurement.

Accordingly, claim 13 is believed to be patentable over the teachings of Wellard and Feng – taken either alone or in combination.

Applicants submit that claim 18 is patentable over Wellard.

Applicants' invention as recited in claim 18 is directed toward a wireless network device that includes means for creating a topology map. The claim specifies that the network device is "configured and adapted for wireless communication" in a wireless network.

Although Wellard discloses that the CCU 14 is responsible for creating a topology map (Wellard col. 5, lines 10-57), CCU 14 does not have any wireless communication capabilities. Thus, Applicants believe that claim 18 is neither anticipated nor rendered obvious by the teachings of Wellard.

Regarding the Pelech and Jennings, III references, Applicants note that these references were cited by the Examiner merely in relation to limitations included in Applicants' dependent claims. Neither Pelech nor Jennings, III can cure the deficiencies of Wellard and Feng with respect to claims 1, 13 and 18.

Accordingly, Applicants submit that claims 1, 13 and 18 are patentable over Wellard, Feng, Pelech and Jennings, III, taken either alone or in combination.

Claims 2-12 depend on claim 1. Since claim 1 is believed to be patentable over the cited references, claims 2-12 are believed to be patentable over the cited references on the basis of their dependency on claim 1.

Claims 14-17 depend on claim 13. Since claim 13 is believed to be patentable over the cited references, claims 14-17 are believed to be patentable over the cited references on the basis of their dependency on claim 13.

New Claims

New independent claims 20 and 31 are based on original claim 1 and have been amended *vis-à-vis* original claim 1 to emphasize the wireless aspect of the network. Applicants wish to note that the subject matter of the new independent claims 20 and 31 is believed to be patentably distinct over the disclosure of Wellard in view of Wellard's wired connection between all of the CFP devices 10a-10f and the CCU 14, as well as the fact that CCU 14 is responsible for creating a topology map. Further, Applicants note that Wellard fails to teach or suggest creating a topology map in a network device belonging to a plurality of network devices fulfilling the requirements recited in the preambles of new claims 20 and 31.

Applicants respectfully submit that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney, and, in the event that the Examiner disagrees with any such opinion, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. 112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. sections

101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

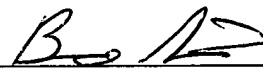
If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No.50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By: 

Bruno Polito
Reg. No. 38,580
(212) 588-0800